

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-836*

13 **RONDA JO AKERS, a.k.a. RONDA**
14 **WATKINS AKERS**
1103 Harrison Street
Princeton, WV 24740
Registered Nurse License No. 714594

ACCUSATION

Respondent.

17 Complainant alleges:

18 PARTIES

- 19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.
- 22 2. On or about October 25, 2007, the Board of Registered Nursing issued Registered
23 Nurse License Number 714594 to Ronda Jo Akers, also known as Ronda Watkins Akers
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought in this Accusation. The Registered Nurse License expired on May 31, 2009,
26 and has not been renewed.

1

2

3

5

6

7

1

9

9

10

1 DRUGS

2 8. "Morphine Sulfate" is a phenanthrene-derivative agonist and the principal alkaloid of
3 opium. It is a powerful analgesic used to relieve severe, acute pain or moderate to severe, chronic
4 pain. It is also used for preoperative sedation or as a supplement to anesthesia. It is a Schedule II
5 controlled substance as designated by Health and Safety Code section 11055, subdivision
6 (b)(1)(L), and is a dangerous drug pursuant to Code section 4022.

7 COST RECOVERY

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 FACTS

13 10. On or about August 8, 2008, through on or about September 15, 2008, while
14 employed by Alpha Nursing Services, Inc., in Shreveport, Louisiana, and working as a registered
15 nurse at LSU Health Sciences Center in Shreveport, Louisiana, Respondent, on at least 16
16 different occasions, removed Morphine for various patients and failed to document either the
17 administration or wastage of the total amount of Morphine removed, or failed to document the
18 total dosage of Morphine administered.

19 11. As a result of the above conduct, on or about November 17, 2008, in a disciplinary
20 action before the Louisiana State Board of Nursing (Louisiana Board), the Louisiana Board
21 entered a Consent Order suspending Respondent's registered nurse license and allowing her the
22 opportunity to request reinstatement upon compliance with various stipulations and the applicable
23 reinstatement process. Prior to applying for reinstatement, Respondent was required to:
24 (1) refrain from working in any capacity as a registered nurse; (2) submit to comprehensive
25 psychiatric, psychological, and substance abuse inpatient evaluation by a Board-approved
26 psychiatrist, clinical psychologist, and addictionist; (3) cause a written report of each evaluation
27 to be submitted to the Louisiana Board, including diagnosis, course of treatment, prescribed or
28 recommended treatment, prognosis, and professional opinion as to Respondent's capability of

1 practicing nursing with reasonable skill and safety to patients; (4) submit copies of the Agreed
2 Order to each evaluator prior to the start of evaluations; (5) immediately submit to the Louisiana
3 Board all recommendations thereafter of the therapist, physician, or treatment team, and submit
4 evidence of continued compliance with all recommendations of the respective professionals; (6) if
5 found to be chemically dependent, immediately sign an agreement with the Recovering Nurse
6 Program for a minimum of three years and remain compliant with all recommendations; and
7 (7) refrain from any misconduct, criminal violations or convictions, or violations of any health
8 care regulations. Once Respondent complied with all of the above stipulations, the Consent
9 Order required Respondent to demonstrate to the satisfaction of the Louisiana Board that she
10 posed no danger to the practice of nursing and that she could safely and competently perform the
11 duties of registered nurse. If the Louisiana Board granted reinstatement, the Consent Order
12 required that Respondent be on probation subject to various conditions or stipulations.

13 12. On or about November 17, 2008, Respondent submitted to a five day inpatient
14 evaluation at Palmetto Addiction Recovery Center. She was discharged on November 21, 2008,
15 with the following recommendations: (1) sign and comply with a monitoring contract, to include
16 random urine screens; (2) if there were further documentation errors or positive urine drug
17 screens, another evaluation for possible substance abuse problems should be conducted; (3) there
18 was no indication of the need for further evaluation or treatment for substance or psychiatric
19 issues identified; and (4) Respondent could return to nursing duties with skill and safety once she
20 had a monitoring contract in place. On or about November 25, 2008, Respondent requested
21 reinstatement of her Louisiana registered nurse license.

22 13. On or about December 5, 2008, following Respondent's request for reinstatement and
23 compliance with the Louisiana Board's November 17, 2008 Consent Order, the Louisiana Board
24 entered a Consent Order reinstating Respondent's registered nurse license and staying the
25 suspension of her license provided she successfully complete a minimum of two years of
26 probation under various terms and conditions. The Consent Order required that during the
27 probationary period, Respondent: (1) have her license marked "probated"; (2) inform all nursing
28 employers of the Louisiana Board's disciplinary measures and the probationary status of her

1 license; (3) cause each employer to submit a signed "Employment Agreement" to the Louisiana
2 Board; (4) work in a restrictive environment as a member of a treatment team rather than alone or
3 with a few employees; (5) not be employed in an agency, pool, staffing, home health services, or
4 nursing homes, unless the employer submits a written plan for direct registered nurse supervision,
5 which must be approved by the Louisiana Board; (6) have all immediate nursing supervisors
6 submit quarterly evaluation reports to the Louisiana Board; (7) abstain from alcohol and all un-
7 prescribed mood-altering substances; (8) submit to supervised random drug screens a minimum
8 of 18 times per year; (9) immediately inform the Board in writing of any change in address; (10)
9 engage in the practice of professional nursing in Louisiana for a minimum of 24 hours-per-week
10 for a minimum of 18 consecutive months; (11) submit a monthly probation fee to the Louisiana
11 Board; and (12) not have any misconduct, criminal violations or convictions, or violations of any
12 health care regulations reported to the Board.

13 FIRST CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct – Out of State Discipline)

15 (Bus. & Prof. Code § 2761, subd. (a)(4))

16 14. Complainant hereby realleges the allegations contained in paragraphs 10 and 11
17 above, and incorporates them as if fully set forth.

18 15. Respondent has subjected her registered nurse license to disciplinary action under
19 Code section 2761, subdivision (a)(4), in that on or about November 17, 2008, in a disciplinary
20 action before the Louisiana Board, the Louisiana Board entered a Consent Order suspending
21 Respondent's registered nurse license.

22 SECOND CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct – Out of State Discipline)

24 (Bus. & Prof. Code § 2761, subd. (a)(4))

25 16. Complainant hereby realleges the allegations contained in paragraphs 12 through 13
26 above, and incorporates them as if fully set forth.

27 17. Respondent has subjected her registered nurse license to disciplinary action under
28 Code section 2761, subdivision (a)(4), in that on or about December 5, 2008, in a disciplinary
action before the Louisiana Board, the Louisiana Board entered a Consent Order staying the

1 suspension of Respondent's registered nurse license and placing her on probation for two years,
2 subject to various terms and conditions.

3 THIRD CAUSE FOR DISCIPLINE
4 (Unprofessional Conduct – Out of State Discipline)
5 (Bus. & Prof. Code § 2761, subd. (a)(4))

6 18. Complainant hereby realleges the allegations contained in paragraphs 10 through 13
7 above, and incorporates them as if fully set forth.

8 19. Respondent has subjected her registered nurse license to disciplinary action under
9 Code section 2761, subdivision (a)(4), in that on or about August 18, 2009, in a disciplinary
10 action before the Texas Board of Nursing (Texas Board), the Texas Board entered an Agreed
11 Order sanctioning Respondent with a warning with stipulations. The Agreed Order prohibited
12 Respondent from working outside of the State of Texas pursuant to a multistate licensure
13 privilege without the written permission of the Texas Board and the party state where Respondent
14 wishes to work. The Agreed Order further required Respondent to fully comply with all of the
15 terms and conditions of the Louisiana Board's December 5, 2008 Consent Order. Respondent
16 was required to cause the Louisiana Board to submit quarterly progress reports to the Texas
17 Board regarding her compliance with the Consent Order. Respondent was further required to
18 submit documentation of her successful completion of the Louisiana Board's Consent Order. The
19 Texas Board would accept Respondent's full compliance with the Louisiana Board's Consent
20 Order as evidence of full compliance with the Texas Board's Agreed Order, at which time all
21 encumbrances on Respondent's Texas registered nurse license would be removed.

22 20. The underlying conduct supporting the Texas Board's order is that on or about
23 November 17, 2008, and on or about December 5, 2008, Respondent was disciplined by the
24 Louisiana Board. The circumstances are set forth above in paragraphs 10 through 13.
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

3. Taking such other and further action as deemed necessary and proper.

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

7